



CANNON BUILDING
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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, October 8, 2015 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	December 10, 2015

MEMBERS PRESENT

Jason Giles, Professional Member, Vice Chairman
Lynnette Scott, Professional Member, Secretary
Andrew Staton, Professional Member
Michael Harrington, Sr., Professional Member (left meeting at 11:30 p.m.)
Lynn Rogers, Public Member
Joseph F. McCann, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

David Mangler, Director of Professional Regulation
Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Jessica Williams, Administrative Specialist II
Roger Akin, Chief Hearing Officer
Kristin Gibbons, Hearing Officer

MEMBERS ABSENT

Justin Healy, Professional Member, Chairman
Curtis Rogers, Public Member

ALSO PRESENT

Tim Riale, DREC
Shay Weldin
Joshua Sell
Andy Taylor, Esq.
Angela Emerson, SCAOR

CALL TO ORDER

Mr. Giles called the meeting to order at 9:05 a.m.

REVIEW OF MINUTES

Mr. Staton made a motion, seconded by Mr. Harrington to approve the minutes of the meeting held on October 8, 2015 as written. By unanimous vote, the motion carried.

NEW BUSINESS

Discussion: Hearing Officers Roger Akin and Kristin Gibbons

Mr. Staton stated that the Commission wanted to start a dialogue with the Hearing Officers about the upcoming rule to show cause hearings with brokers as pertains to Rule 1.3.1. Mr. Staton asked if the Hearing Officers had any thoughts on how they were going to proceed with the hearings. Mr. Staton also asked about consistency in terms of discipline in the recommendations. Mr. Akin stated the hearing officers try to be as consistent as possible.

The Commission discussed whether a broker should be notified when one of their agents is being audit and notified when the agent has to have a hearing for non-compliance.

The Commission asked if whether agents that do not meet the continuing education hours can be fined automatically so that no hearing would be needed. Ms. Kelly stated that would require a statute change.

The Commission thanked the Hearing Officers for their time.

Education Committee Report

Mr. Riale stated that the Education Committee had a fairly short meeting this month. Mr. Riale stated that Ms. Kelly is still working on the regulatory language for pre-licensing online courses. The Committee wanted to ask the Commissioners if they would be interested in taking a look at reallocating the hours in the brokers pre-licensing course. This topic came up a couple of months ago from a provider. Mr. Riale wanted to know the Commission's thoughts before the Committee spent any time on this as they have other projects they are working on. The Commission responded that they would be interested in any updates or recommendations that the Education Committee would come up with.

Mr. Riale stated that they had a letter of interest and resume submitted by Virgil Bullis, Sr. for appointment to the Real Estate Education Committee. This would become effective upon the expiration of Mr. Riale's appointment. The Committee voted to recommend approval of Mr. Bullis to the Commission.

The Education Committee reviewed twenty-five new course provider applications of which twenty-three were approved with the exception of one that was denied due to content lacking Delaware specificity, and one was approved with modifications. They reviewed eight instructor applications and 5 were approved, one tabled for incomplete application and two approved with modifications. They reviewed one student request and that was approved.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Harrington made a motion, seconded by Mr. McCann, to approve the minutes and the education approvals submitted by the Education Committee. By unanimous vote, the motion carried.

Discussion and Review of Hearing Officers Recommendations

Kay Anderson – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. After discussion, Mr. Staton made a motion, seconded by Ms. Scott, to accept the Hearing Officer's recommendation with amendment of 60 day suspension. After vote the motion failed, there was further discussion, and Mr. McCann made a motion to amend the motion, seconded by Mr. Harrington, to add the letter of reprimand to the recommendation. By majority vote, the motion carried with Ms. Scott opposing.

Sandra Camarote – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. After discussion, Mr. Staton made a

motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation with amendment of letter of reprimand. By unanimous vote, the motion carried.

Jeremy Carvell – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. After discussion, Mr. Staton made a motion, seconded by Mr. McCann, to accept the Hearing Officer's recommendation with amendment of 60 day suspension. By unanimous vote, the motion carried.

Robert Farrell – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Scott describing the sanctions. After discussion, Mr. McCann made a motion, seconded by Ms. Scott, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Jose Guzman – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. L. Rogers describing the sanctions. After discussion, Mr. L. Rogers made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Dianna Hernandez-Vance – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. McCann describing the sanctions. After discussion, Mr. McCann made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation with amendment of 30 day suspension. By unanimous vote, the motion carried.

Nancy Joseph – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. McCann describing the sanctions. After discussion, Mr. McCann made a motion, seconded by Mr. Harrington to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Chet Keith – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. McCann describing the sanctions. After discussion, Mr. McCann made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Michael Moyer – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. After discussion, Mr. Staton made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation with amendment of a letter of reprimand. By unanimous vote, the motion carried.

Shirley O'Toole – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Scott describing the sanctions. After discussion, Ms. Scott made a motion, seconded by Mr. McCann, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Joshua Sell – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Scott describing the sanctions. After discussion, Mr. Staton made a motion, seconded by Ms. Scott, to accept the Hearing Officer's recommendation with Mr. McCann opposing. By majority vote, the motion carried with Mr. McCann being opposed. After Mr. Sell left the meeting, Mr. McCann stated that agents that did not show up for their hearings in the past would normally get some kind of suspension. Mr. Staton withdrew his motion. Ms. Scott stated that the reason she concurred with the recommendation was because Mr. Sells did complete his continuing education in May and did not falsely attest. A new motion was made by Mr. Staton, seconded by Mr. Harrington,

to table the discussion until the December meeting. By majority vote, the motion carried, with Ms. Scott abstaining. Ms. Wagner will notify Mr. Sell of the tabling of his recommendation.

Darren Thomas – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Scott describing the sanctions. After discussion, Ms. Scott made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Shay Weldin – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Harrington describing the sanctions. After discussion, Ms. Scott made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation with amendment of changing the 14 day suspension to a letter of reprimand. An amendment of the original motion was made by Mr. McCann, seconded by Mr. Staton, to add back the suspension, but increase the 14 day suspension to 30 days. By unanimous vote, the motion carried.

Libby Wilson-McCormack – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Harrington describing the sanctions. After discussion, Mr. Harrington made a motion, seconded by Mr. L. Rogers, to accept the Hearing Officer's recommendation with amendment of 30 day suspension. By unanimous vote, the motion carried.

Zi Zhou – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. L. Rogers describing the sanctions. After discussion, Mr. L. Rogers made a motion, seconded by Mr. Staton, to accept the Hearing Officer's recommendation with amendment of 30 day suspension. By unanimous vote, the motion carried.

Karen Pavlik – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. L. Rogers describing the sanctions. After discussion, Mr. L. Rogers made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation with amendment of 30 day suspension. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Mr. Harrington made a motion, seconded by Mr. McCann, to ratify the following applications for salespersons:

Thaddeus Kosowski, Coldwell Banker Resort Realty, Rehoboth Beach, DE
Kadria Porter, BHHS Fox & Roach, Newark, DE
Daniel Marcantuno, Weichert Realtors, Chadds Ford, PA
Connie Davis, Meyer & Meyer Realty, Wilmington, DE
Jillian Bartsch, Weichert Realtors-First Class, Dover, DE
Marla Schechter, Patterson Schwartz, Newark, DE
Heather Gilson, BHHS Fox & Roach, Newark, DE
Edward Warnick, Metro Referral Associates, Inc., Bear, DE
Morten Mikkelsen, Long & Foster, Lewes, DE
Sally Kirchoff, Keller Williams Realty at the Beach, Lewes, DE
Nicole Hayes, Resort Quest, Bethany Beach, DE
Robin Elmore, Long & Foster, Ocean City, MD
Julia Fralinger, Keller Williams, Christiana, DE
Shelley Turner, Weichert Realtors-First Class, Dover, DE
Helen Macker, BHHS Fox & Roach, Newark, DE
Susan White, Long & Foster, Bethany Beach, DE

Cristel Haltom, Burns & Ellis, Dover, DE
Adam Terrizzi, Weichert Realty, Wilmington, DE
James Rice, Keller Williams Realty, Wilmington, DE
Eric Cropper, Condominium Realty, LTD, Ocean City, MD
Michael Hamilton, Coldwell Banker Residential Brokerage, Salisbury, MD
Benjamin Alder, Sperry Van Ness Miller Commercial Real Estate, Salisbury, MD
Charles Lekas, Long & Foster, Rehoboth Beach, DE
Nitan Soni, Coldwell Banker Resort Realty, Rehoboth Beach, DE
Thomas Wilson, Patterson Schwartz Real Estate, Middletown, DE
Dennis Poole, Keller Williams Realty, Wilmington, DE
Taylor Shank, Keller Williams Realty, Wilmington, DE
Jonathan Edler, Patterson Schwartz and Associates, Hockessin, DE
Carol Arnott Robbins, BHHS Fox & Roach, Wilmington, DE
Margaret Berthiaume, Patterson Schwartz Real Estate, Hockessin, DE
Mark Lax, Coldwell Banker Preferred, Wilmington, DE
John Zacharias, Patterson Schwartz & Associates, Bethany Beach, DE
Aaron Wilson, BHHS Fox & Roach, Newark, DE
William Walker, Walker & Company Real Estate, Gaithersburg, MD

By unanimous vote, the motion carried.

Review of Salesperson Application

Ms. Kelly advised that Mr. Matthew Smolka has a charge of criminal mischief under \$1000 for property damage charge from 2005 on his criminal background check and submitted a letter regarding domestic issues. Mr. McCann made a motion, seconded by Ms. Scott, to approve Mr. Smolka's application. By unanimous vote, the motion carried.

Ratification of Broker and Associate Broker Applications

The Commission ratified the associate broker's application of Douglas Doyle. Mr. Harrington made a motion, seconded by Mr. McCann, to approve Mr. Doyle's application. By unanimous vote, the motion carried.

The Commission ratified the broker's application of James Robinson. Mr. Harrington made a motion, seconded by Mr. McCann, to approve Mr. Robinson's application. By unanimous vote, the motion carried.

The Commission ratified the associate broker's application of William Bell. Mr. Harrington made a motion, seconded by Mr. McCann, to approve Mr. Bell's application. By unanimous vote, the motion carried.

The Commission ratified the associate broker's application of Linda Lizzio. Mr. Harrington made a motion, seconded by Mr. McCann to approve Ms. Lizzio's application. By unanimous vote, the motion carried.

The Commission ratified the broker's application of Shelia Stedman. Mr. Harrington made a motion, seconded by Mr. McCann to approve Ms. Stedman's application. By unanimous vote, the motion carried.

The Commission ratified the associate broker's application of Paul Faulkner. Mr. Harrington made a motion, seconded by Mr. McCann, to approve Mr. Faulkner's application. By unanimous vote, the motion carried.

The Commission ratified the associate broker's application of Robert Murray. Mr. Harrington made a motion, seconded by Mr. McCann, to approve Mr. Murray's application. By unanimous vote, the motion carried.

The Commission ratified the broker's application of Nicole Silicato-Miller. Mr. Harrington made a motion, seconded by Mr. McCann, to approve Ms. Nicole Silicato-Miller's application. By unanimous vote, the motion carried.

The Commission ratified the broker's application of Ava Tansey. Mr. Harrington made a motion, seconded by Mr. McCann, to approve Ms. Ava Tansey's application. By unanimous vote, the motion carried.

Ratification of Applications for Reinstatement

The Commission ratified the application of Leland Schoenbeck for reinstatement of a Salesperson's license. Mr. Staton made a motion, seconded by Mr. Harrington, to approve Mr. Schoenbeck's reinstatement application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of Elizabeth Bennett for reinstatement of a Salesperson's license. Mr. Staton made a motion, seconded by Mr. Harrington, to approve Ms. Bennett's reinstatement application upon successful passing of the state exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Keith Byard for reinstatement of a Salesperson's license. Mr. Staton made a motion, seconded by Mr. Harrington, to approve Mr. Byard's reinstatement application upon successful passing of both exams. By unanimous vote, the motion carried.

The Commission reviewed the application of Maryhelen Garst for reinstatement of a Salesperson's license. Mr. Staton made a motion, seconded by Mr. Harrington, to approve Ms. Garst's reinstatement application upon successful passing of both exams. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the application of Lighthouse Realty Group, Inc. for a relocation of their office. Mr. Harrington made a motion, seconded by Mr. Staton, to approve the relocation of their office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Maggio Shields Real Estate Brokerage for a relocation of their office. Mr. Harrington made a motion, seconded by Mr. Staton, to approve the relocation of their office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Sunrise Real Estate for a relocation of their office. Mr. Harrington made a motion, seconded by Mr. Staton, to approve the relocation of their office application. By unanimous vote, the motion carried.

Status of Complaints

There was no new status for complaints.

Correspondence

Inquiry from Edith Elzie

Ms. Wagner addressed the Commission about a question that Ms. Elzie asked. Ms. Elzie would like to become a licensed broker; however her transactions are in her and her husband's name as they work together on all transactions. After discussion, the Commission stated that under rule 3.4.1.5, if Ms. Elzie could show that on 30 of the transactions she was the primary agent, then she would be able to use the joint transactions. Ms. Wagner will notify Ms. Elzie.

Review and Discuss Consent Agreement for Lauren Jones

The Commission reviewed and discussed the consent agreement for Lauren Jones. Mr. Staton made a motion, seconded by Ms. Scott, to reject the consent. By unanimous vote, the motion carried.

OLD BUSINESS

Review and Sign Orders from Recommendations

The following orders were signed by Mr. Giles.

Sikander Aasim - Broker
Carlos Bernal – Salesperson
Charles Bolig – Salesperson
Cleandre Clarke – Salesperson
David Foster – Salesperson
Robert Jester – Salesperson
Jennifer Jones – Salesperson
Margaret Lawson – Salesperson
Mr. Leslie Sax – Broker
Debra Seramone – Salesperson
Thomas Spruance – Salesperson
Christopher Carr - Broker
George Cole, Jr. - Salesperson
Stephen Crifasi Jr. - Salesperson
Diana Gillig - Salesperson
Kim Harris - Salesperson
Diane Holtan - Salesperson
Henry Renaud - Broker
Devin Scott - Salesperson
Nicholas Theofiles - Salesperson
Priscilla Williams – Salesperson

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Mr. Andy Taylor asked Ms. Kelly about what happened with the Auctioneer's motion to appear in court. Ms. Kelly explained that she went before a judge and answered the judge's questions. Ms. Kelly is still waiting for a decision from the court.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, December 10, 2015 at 9:00 a.m.

ADJOURNMENT

Mr. Giles made a motion, seconded by Ms. Scott, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 11:47 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Sandra Wagner". The signature is written in a cursive, flowing style.

Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.